

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Wiley Sidney O'Neal

Docket No. 5:04-CR-62-5BR

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Wiley Sidney O'Neal, who, upon an earlier plea of guilty to 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, Distribution of More Than 50 Grams of Cocaine Base and Aiding and Abetting, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on January 11, 2005, to the custody of the Bureau of Prisons for a term of 44 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in such vocational training program as may be directed by the probation office.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Wiley Sidney O'Neal was released from custody on May 6, 2008, at which time the term of supervised release commenced.

On November 8, 2008, the defendant was arrested in Nash County, North Carolina, and charged with Driving While Impaired, Flee/Elude Arrest With Motor Vehicle, and Failure to Heed Light or Siren. On November 25, 2008, the court approved a Violation Report agreeing to take no action until these charges were disposed.

On December 11, 2009, the defendant pled guilty to Driving While Impaired in Nash County, North Carolina. The charges of Flee/Elude Arrest With Motor Vehicle and Failure to Heed Light or Siren were dismissed. As a result of the state conviction, he was required to obtain a substance abuse assessment and follow any recommended treatment. On January 12, 2010, the court ordered the following special condition:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 months.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On May 12, 2011, the defendant was charged in Nash County, North Carolina, with Driving While License Revoked after being stopped by Trooper L.N. Ambrose of the North Carolina Highway Patrol. Although this charge remains pending, the defendant admits guilt. Additionally, O'Neal failed to notify the probation officer within 72 hours of this charge as required. As a sanction for this conduct, we are recommending that O'Neal be placed on home detention for a period of 30 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
1760 Parkwood Blvd., Room 201
Wilson, NC 27893-3564
Phone: 252-237-0788
Executed On: June 17, 2011

ORDER OF COURT

Considered and ordered this 20 day of June, 2011, and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge